

219.53 WORTHLESS CHECK - DRAWN ON CLOSED ACCOUNT.
MISDEMEANOR.

The defendant has been charged with [drawing] [uttering] a worthless check (drawn) on a closed account.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant [drew, that is, signed and delivered] [uttered, that is, offered to another], a check.¹

Second, that the check was drawn on an account that [had been closed by the drawer] [the drawer knew to have been closed by the bank (or depository)] prior to time the check was drawn.

And Third, that the defendant knew that the check was so drawn.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [drew] [uttered] a check, knowing that it was drawn upon a closed account, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. A check is a present unconditional order to a [bank] [financial institution] to pay a certain sum of money to the order of a named person or to the bearer of the instrument. If the defendant argues that the check was post-dated, see *S. v. Crawford*, 198 N.C. 522 (1930).